

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IVAN ALBERTO NIETO AND
ROBIN BERNICE NIETO,

Civil 05-122 (JRT/FLN)

Plaintiffs,

v.

ORDER

KATHLEEN NYSTROM, DOUG HATFIELD,
TCF MORTGAGE CORP.,
AND CITIBANK F.S.B.,

Defendants.

IVAN ALBERTO NIETO and ROBIN BERNICE NIETO, 66910 - 270th Avenue, Kasson, Minnesota 55944, pro se plaintiffs.

VINCENT J. FAHNLANDER, Esq., **MOHRMAN & KAARDAL**, 33 South 6th Street, Suite 4100, Minneapolis, Minnesota 55402, for defendants Kathleen Nystrom and TCF Mortgage.

KERRY A. TRAPP, Esq., **LEONARD, O'BRIEN, SPENCER, GALE & SAYRE**, 100 South 5th Street, Suite 2500, Minneapolis, Minnesota, for defendants Doug Hatfield and Citibank.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated October 12, 2005, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Defendants Citibank and Doug Hatfield's motion to dismiss [Docket No. 13] and Defendants TCF Mortgage and Kathleen Nystrom's motion to dismiss [Docket No. 19] are

GRANTED; and

2. Plaintiffs' request for a writ of mandamus [Docket No. 10] is DENIED.

DATED: November 3, 2005
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge